



JOHN ENGLER, Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY

"Better Service for a Better Environment"

HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48909-7973

INTERNET: www.deq.state.mi.us

RUSSELL J. HARDING, Director

REPLY TO:

ENVIRONMENTAL RESPONSE DIVISION
KNAPPS CENTRE
PO BOX 30426
LANSING MI 48909-7926

EPA Region 5 Records Ctr.



235028

November 19, 2001

Dr. Mark P. Brown
Respondents' Project Coordinator
Blasland, Bouck & Lee, Inc.
174 Union Street, Suite 300
New Bedford, Massachusetts 02740

Dear Dr. Brown:

This letter responds to your letters of October 19, 2001 and November 1, 2001, regarding the Willow Boulevard/A-Site Remedial Investigation/Focused Feasibility Study report (RI/FFS report). I believe Mr. Brian von Gunten's letter of October 8, 2001, was sufficiently clear regarding the Michigan Department of Environmental Quality's (MDEQ's) disapproval of the latest version of the Operable Unit 2 RI/FFS report. We responded to the deliverable consistent with Paragraph 30(D) of our Administrative Order by Consent (AOC), which clearly outlines disapproval with agency modification.

The reasons for the disapproval are:

- a) Failing to adequately address the MDEQ's previous concerns and comments.
- b) Inappropriate language changes in spite of previous agreements.
- c) Information that was not previously presented in the RI/FFS report without entirely describing its significance.
- d) Extraneous and unapproved information assembled outside of our AOC.

Since we have been unable to get an acceptable RI/FFS report for this operable unit, in spite of multiple revisions, the MDEQ will revise the document. After considering your letter of October 19, 2001, Environmental Response Division staff agreed to wait for additional Kalamazoo River Study Group (KRSG) information prior to initiating revision. In addition, the MDEQ does not agree to indemnify, defend, or hold harmless Blasland, Bouck & Lee, Inc., and KRSG in any way by the MDEQ's use of the electronic RI/FFS report. We remind you that the RI/FFS report was rejected and will be revised by the MDEQ consistent with our AOC.

In attempts to resolve your dispute of this decision, the MDEQ proposes to give the KRSB 15 business days to review the revision, once completed by the MDEQ. The concerns identified by the KRSB during that time will be considered prior to finalizing the document. Any KRSB concerns not resolved at that time can be disputed under the AOC.

If this proposal is not adequate to resolve your dispute, or if you have further questions concerning this matter, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Howard", is positioned above the typed name.

Alan J. Howard, Chief
Environmental Response Division
517-335-1104

cc: Mr. J. Michael Davis, Esq., Georgia-Pacific Corporation
Ms. Bonnie A. Barnett, Esq., Drinker, Biddle & Reath
Mr. Paul A. Montney, P.E., Georgia-Pacific Corporation
Ms. Joyce S. Schlesinger, P.E., Environ
Mr. Thomas Short, United States Environmental Protection Agency
Ms. Anne Pulley, MDEQ
Mr. Brian von Gunten, MDEQ